

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUTHER GRAHAM,

Plaintiff,

v.

MONMOUTH COUNTY BUILDINGS AND
GROUNDS, DAVID KRZYZANOWSKI,
ROBERT W. COMPTON, and CRAIG
BELL,

Defendants

Civil Action

DOCKET NO. 16-1578(PGS)(LHG)

**DEFENDANTS MONMOUTH COUNTY
BUILDINGS AND GROUNDS AND ROBERT
W. COMPTON'S STATEMENT OF MATERIAL
FACTS**

1. Luther Graham ("Mr. Graham" or "Plaintiff") is the Plaintiff in this matter. Defendant Robert W. Compton ("Mr. Compton") is the Superintendent of Defendant Monmouth County ("County") Buildings and Grounds Department. Defendant David Krzyzanowski is the Supervisor of General Services for the County Buildings and Grounds Department. On June 5, 2018, Defendant Craig Bell was dismissed from this action per the Court's decision on reconsideration. See ECF No. 69. All remaining Defendants are above Plaintiff in the chain of command. Because summary judgment has already been granted as to the vast majority of Plaintiff's Complaint, only the facts pertinent to the Crew Supervisor Building Maintenance Worker position ("Crew Supervisor Position") (the only remaining position) will be set forth herein. ECF No. 56.
2. In 1994, Mr. Graham began working for the County in the Division of Employment and Training. Roberts Decl., Exhibit A, 9:7-10. On March 7, 2005, Mr. Graham became an Electrician with the County and was transferred to the Buildings and Grounds Department. Roberts Decl., Exhibit A, 10:19-20 and promotional documents.
3. On February 2, 2015; March 12, 2015; April 30, 2015; June 18, 2015; and October 1, 2015, Mr. Graham filed complaints with the County Human Resources Department charging a variety of unjust treatment. The County responded to each of these complaints in writing. Roberts Decl., Exhibit B.

4. Mr. Graham admitted that the County was responsive to his complaints. Roberts Decl., Exhibit C, ¶¶5, 6, 9, 10, 11, 12.
5. On March 8, 2016, the County posted an anticipated vacancy for the Crew Supervisor Position. The Crew Supervisor Position is within the Building Services civil service promotional title. Roberts Decl., Exhibit D.
6. Mr. Graham never held a building services title. Roberts Decl., Exhibit A, 108:15-17; 115-116.
7. Mr. Compton interviewed twelve applicants for the Crew Supervisor Position, including Mr. Graham. The interview consisted of 21 questions with percentages of importance. Interview questions were related to required experience, analytical, teamwork, leadership, customer service, business success, and administrative/clerical. Each applicant's response to the questions was scored on a scale of 0-3. The score was noted on each applicant's interview score sheet during the interview at the completion of each question. Roberts Decl., Exhibit E, Compton Decl., Exhibit F; Roberts Decl., Exhibit F, 250:10-266:18.
8. Based on the scores from the 12 interviews, Robert Briscoe ("Mr. Briscoe") scored a 2.47, and was far and away the best candidate, beating the second candidate Kevin Baxter who scored 1.9. Importantly, Mr. Briscoe had experience in the Building Services promotional title. He further had supervisory and management experience from his prior career. Also, Mr. Briscoe consistently was able to provide real world examples of how he responded to certain situations he was asked about in the interview. Roberts Decl., Exhibit E, Compton Decl., Exhibit G, P.43 of 171 to P.162 of 171 (all applicants' score sheets); P.53 of 171 through P.61 of 171 (Mr. Briscoe's score sheet); Roberts Decl., Exhibit F, 288:22-298:20.
9. Mr. Graham received a score of 1.0 and ranked 10/12. Mr. Graham did not have the required two (2) years of experience. When explaining his experience to Mr. Compton, Mr. Graham stated his experience consisted of: (1) cleaning his area in college; (2) helping his mother clean; (3) knowing how to dust; and (4) prior to college, supervising a volunteer group that vacuumed buildings. Indeed, Mr. Graham's responses did not qualify for two

(2) years of experience in facilities management. Contrary to Mr. Briscoe, Mr. Graham consistently was unable to provide real world examples of how he responded to certain situations he was asked about in the interview. Roberts Decl., Exhibit E, Compton Decl., Exhibit G, P.127 of 171 through P.135 of 171 (Mr. Graham's score sheet); Roberts Decl., Exhibit F, P:276:12-288:12; 314:8-23.

KENNEY, GROSS, KOVATS & PARTON

A handwritten signature in blue ink, appearing to read 'D. Roberts', is written over the printed name.

By: DANIEL R. ROBERTS

CLEARY GIACOBBE ALFIERI
JACOBS, LLC

By: /s/ Micci J. Weiss
MICCI J. WEISS

Dated: November 15, 2019